

ESTTA Tracking number: **ESTTA773739**

Filing date: **09/29/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Ariadne Getty		
Entity	Individual	Citizenship	UNITED STATES
Address	6180 W. Jefferson Blvd. Culver City, CA 90016 UNITED STATES		

Attorney information	Gregory N. Weisman Ritholz Levy Sanders Chidekel & Fields LLP 235 Park Ave. South, 3rd Floor New York, NY 10003 UNITED STATES gweisman@rlscf.com Phone:2124481800		
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Registration Subject to Cancellation

Registration No	3892808	Registration date	12/21/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	SAVOY Guy 22 rue Troyon FRANCE		

Goods/Services Subject to Cancellation

Class 043. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Restaurants; food and drink catering, hotels; bar services, caf  s, cafeterias

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	Petition for Cancellation of U.S. Reg. No. 3892808 for ATELIER DE MAITRE ALBERT.pdf(190755 bytes) Petition for Cancellation of U.S. Reg. No. 3892808 for ATELIER DE MAITRE ALBERT (Exhibit A).pdf(358569 bytes) Petition for Cancellation of U.S. Reg. No. 3892808 for ATELIER DE MAITRE ALBERT (Exhibit B).pdf(4117897 bytes) Petition for Cancellation of U.S. Reg. No. 3892808 for ATELIER DE MAITRE
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	ALBERT (Exhibit C).pdf(1240486 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/GNW/
Name	Gregory N. Weisman
Date	09/29/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No.: 3,892,808

For the Mark:

Atelier de Maître Albert

Date Filed: January 13, 2010

Date Issued: December 21, 2010

ARIADNE GETTY

Petitioner,

v.

GUY SAVOY

Respondent.

Cancellation No.:

PETITION FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

To the Commissioner for Trademarks:

Petitioner Ariadne Getty, located at 6180 W. Jefferson Blvd., Culver City, CA 90016 ("Petitioner"), believes that she has been damaged and will continue to be damaged by Registration No.: 3,892,808 (the "Registered Mark") issued to Guy Savoy, a French individual, with an address at 22 Rue Troyon, F-75017, Paris, France ("Respondent"), and hereby petitions for the cancellation of said registration on the following grounds:

1. Respondent is the owner of United States Trademark Registration No.: 3,892,808 for ATELIER DE MAÎTRE ALBERT (stylized) issued on December 21, 2010 pursuant to Section 66(a) of the Trademark Act (predicated on an existing foreign registration) in connection with an exhaustive list of items, including: “prepared and semi-prepared meals made with meat, vegetables and fish; desserts namely, jellies for food, fruit salads, fruit compotes; ingredients for dishes, namely, meat, fish, poultry, game, preserved, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk, edible oils and fats; meals and frozen meals made with game, vegetables, fish and meat; soy based snack food, vegetable snack foods, dairy products, namely, yogurt and yogurt based beverages, cheese, jam, tinned fruits, vegetables, namely, frozen, processed, canned, dried, preserved and pickled potatoes, carrots, beans, peas; fish and meat; soups, charcuterie” in International Class 29; and, “prepared and semi-prepared dishes made with dough, pasta or rice” in International Class 30; and, “alcoholic beverages, except for beers, namely, whiskey, distilled spirits, liqueurs, beverages containing fruit, brandy; wines” in International Class 33; and, “restaurants; food and drink catering, hotels; bar services, cafés, cafeterias” in International Class 43 (“Respondent’s Registration”). A copy of Respondent’s Registration is attached as Exhibit A.

2. Petitioner is the owner of the intent-to-use United States Trademark Application Serial No.: 86/846,419 for the mark ATELIER, filed on December 10, 2010, in connection with “hotels; providing information and advice on hotels and restaurants to tourists and business travelers” in International Class 43 (“Petitioner’s Application”).

3. On March 29, 2016, the United States Patent and Trademark Office issued an Office Action refusing Petitioner’s Application in Class 43 on the basis of an alleged “likelihood of confusion” Respondent’s Registration.

4. Upon information and belief, despite alleged intentions to the contrary, Respondent has never used the Registered Mark in commerce within the United States, or, alternatively, has ceased using the Registered Mark, in connection with the goods and services identified in Respondent's Registration, for a period of at least three (3) consecutive years, with no evidence of any intention to resume use of the Registered Mark.

5. Petitioner has been damaged and will continue to be damaged if the Registered Mark is permitted to remain on the Principal Register because the Registered Mark stands as a bar to Petitioner's ability to obtain a federal registration for its ATELIER mark for the services noted in Paragraph 2 above.

6. Upon information and belief, Respondent does not market goods or services under the Registered Mark as identified in Respondent's Registration. Moreover, Respondent has neither a restaurant nor a hotel under the Registered Mark in the United States in which to provide the services identified in Respondent's Registration. Respondent's primary website located at www.ateliermaitrealbert.com, identifies only a single restaurant in Paris, France providing services under the Registered Mark. Indeed, under the tab "Our Other Restaurants," on Respondent's website, the only restaurant located in the United States is "Restaurant Guy Savoy Las Vegas" (located within the Caesars Palace hotel). By all indications, it appears that Respondent, a celebrated chef in Paris, France, either simply chose to use his given name for his United States restaurant, or chose not to open an additional restaurant under the Registered Mark. Moreover, neither Respondent's website nor the Google database contains any information identifying a hotel under the Registered Mark in the United States or in any part of the world.

7. Continuing, Respondent's website does not list a restaurant or hotel in the United States under the Registered Mark. In support of such belief, Petitioner submits screen shots

attached hereto as Exhibit B of pages from Respondent's website showing that Respondent neither operates a restaurant or hotel in the United States under the Registered Mark. Petitioner also submits screen shots attached hereto as Exhibit C covering the first three pages of the search results for the Registered Mark on Google.

8. Upon information and belief, by reason of the facts set forth above, and that Respondent has failed to use the Registered Mark for at least three consecutive years, Respondent has abandoned the Registered Mark within the meaning of 15 U.S.C. § § 1064(3) and 1127.

9. Upon information and belief, Respondent's failure to use, or take affirmative steps toward the use of, the Registered Mark on or in connection with the goods and services identified in Respondent's Registration further suggests that Respondent lacked the requisite bona fide intent to use the Registered Mark in commerce at the time of filing within the meaning of 15 U.S.C. § 1051(b)(3)(b) and as required by 15 U.S.C. § § 1141f(a).

10. In view of Respondent's non-use and abandonment of the Registered Mark, Respondent is not entitled to continued registration of the mark pursuant to Section 14(3) of the Trademark Act, 15 U.S.C. § 1064(3), and, as such, Respondent's Registration should be cancelled.

11. Furthermore, in view of Respondent's apparent lack of bona fide intent to use the Registered Mark within the meaning of 15 U.S.C. § 1051(b)(3)(b), Respondent's Registration is void *ab initio* and should be cancelled.

12. As Petitioner' attempt to register the mark as shown in Petitioner's Application will be impaired by the continued registration of the abandoned Registered Mark, and, as

Petitioner believes that Respondent has abandoned the Registered Mark, said registration should be cancelled.

13. Petitioner reserves the right to amend the Petition to allege other claims in the event discovery of other information indicates that they are appropriate.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained in favor of Petitioner and that Class 43 portion of Respondent's U.S. Registration No.: 3,892,808 be cancelled accordingly.

Respectfully submitted,

RITHOLZ LEVY SANDERS CHIDEKEL & FIELDS LLP

Dated: September 28, 2016 By: /GNW/
Gregory N. Weisman
235 Park Ave. South, 3rd Floor
New York, NY 10003
(212) 448-1800
Attorney for Petitioner, Ariadne Getty

Exhibit A



United States Patent and Trademark Office

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Trademarks > **Trademark Electronic Search System (TESS)**

TESS was last updated on Mon Sep 26 03:21:02 EDT 2016

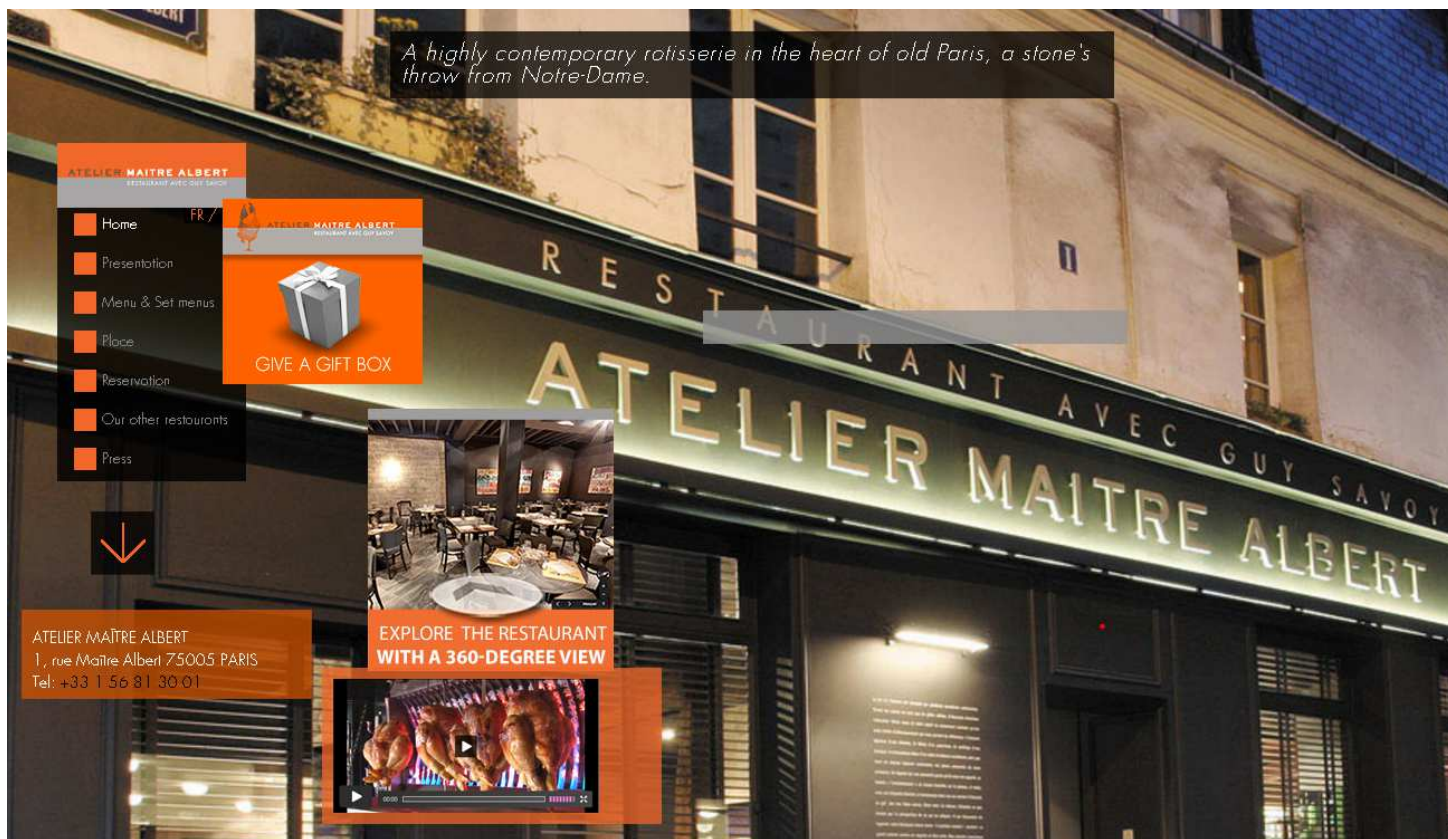
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Registration Date	December 21, 2010
Owner	(REGISTRANT) SAVOY Guy INDIVIDUAL FRANCE 22 rue Troyon F-75017 PARIS FRANCE
Attorney of Record	Lynn A. Sullivan
Priority Date	July 28, 2009
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
Live/Dead Indicator	LIVE

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Exhibit B



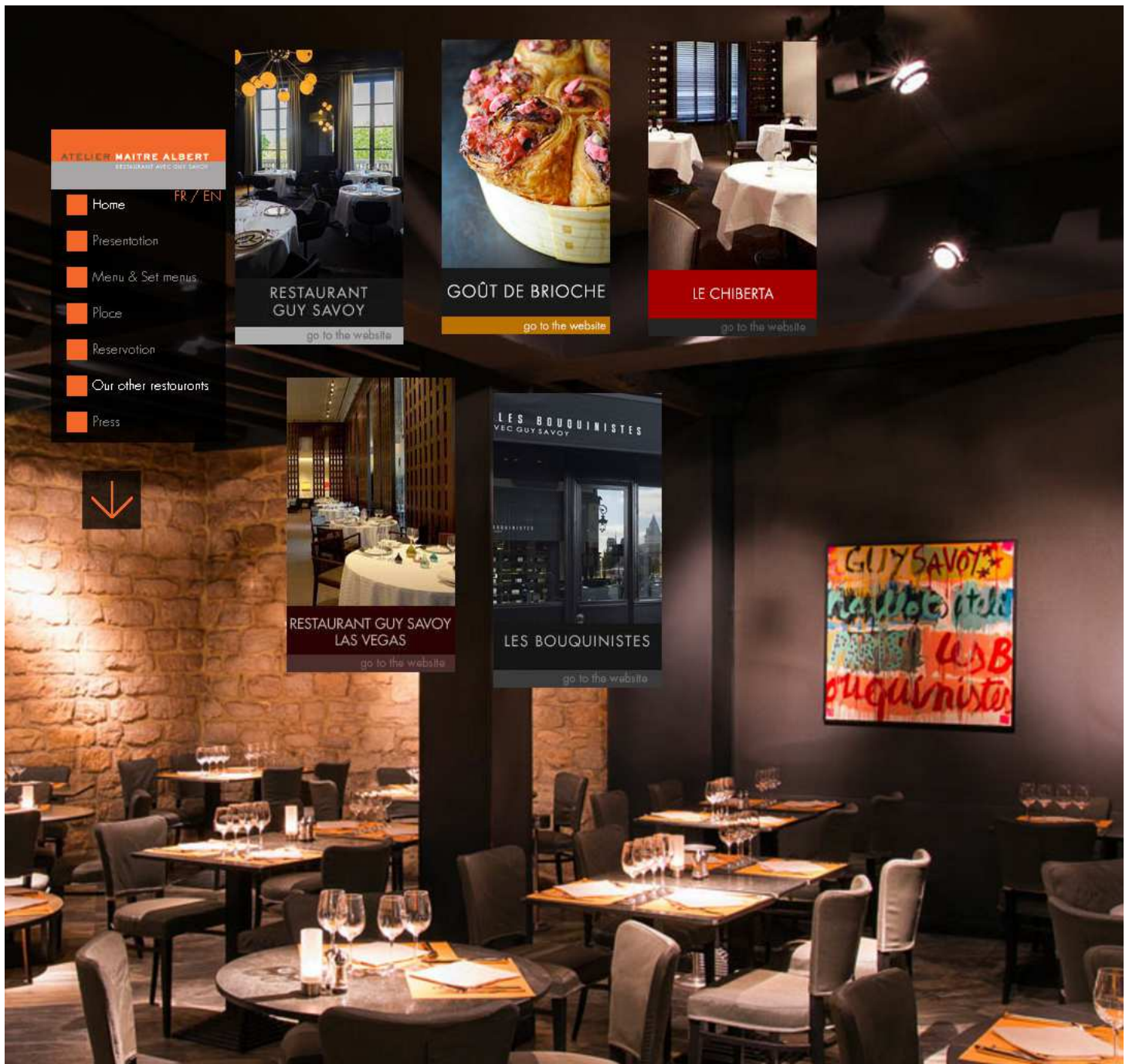


Exhibit C



About 96,300 results (0.48 seconds)

L' ATELIER MAÎTRE ALBERT - OFFICIAL WEB SITE - RESTAURANT ...
www.ateliermaitrealbert.com/ ▾

Convivialité de la cheminée, authenticité de la rôtisserie, l'atmosphère de l'Atelier Maître Albert, restaurant avec Guy Savoy, crêpe de tradition autant que de ...

Atelier Maitre Albert, Paris - Odeon / Saint-Michel - Restaurant ...

www.tripadvisor.com ▾ ... ▾ Ile-de-France ▾ Paris ▾ Paris Restaurants ▾ TripAdvisor ▾

★★★★★ Rating: 4 - 525 reviews

Reserve a table at Atelier Maître Albert, Paris on TripAdvisor: See 525 unbiased reviews of Atelier Maître Albert, rated 4 of 5 on TripAdvisor and ranked #1412 of ...

L'Atelier Maître Albert - 42 Photos & 75 Reviews - French - 1 rue Maître ...

www.yelp.com ▾ Restaurants ▾ French ▾ Yelp ▾

★★★★★ Rating: 4 - 75 reviews - Price range: €21-40

75 reviews of L'Atelier Maitre Albert "This is my favorite restaurant in the entire world. I love how the main space is one room with a roaring fire on the left and the ...

Atelier Maître Albert in Paris - Restaurant Reviews, Menu and Prices ...

<https://www.thefork.com/restaurant/atelier-maitre-albert/3109> ▾

★★★★★ Rating: 8.9/10 - 569 votes - Price range: €60.00 (average à la carte price based on a two-course meal excluding drinks)

20% off the "à la carte" menu!. Book a table at Atelier Maître Albert in Paris. Find restaurant reviews, menu, prices, and hours of operation for Atelier Maître Albert ...

Atelier Maître Albert - Paris : a Michelin Guide restaurant

https://www.viamichelin.com/.../Paris-75005-Atelier_Maitre_Albert-5925... ▾ ViaMichelin ▾

Atelier Maître Albert: Michelin Guide review, users review, type of cuisine, opening times, meal prices ...

Restaurant L'Atelier Maître Albert Paris 5ème - Meat, grill & griddle ...

www.bestrestaurantsparis.com/en/.../paris/atelier-maitre-albert.html ▾ Translate this page

In the 5th district of Paris, L'Atelier du Maître Albert is located in a picturesque street. This large and elegantly formal dining-room, lit by a large rotisserie, was ...

Atelier Maître Albert | Restaurants in 5th arrondissement, Paris

<https://www.timeout.com/paris/en/restaurants/atelier-maitre-albert> ▾ Time Out ▾

★★★★★ Rating: 4 - Review by Time Out Paris

Nov 25, 2014 - There's nothing lovelier than a stroll along the Seine in the shadow of Notre Dame, bouquinistes and charming ruelles everywhere you look.

L'ATELIER MAITRE ALBERT - S Marks The Spots

www.smarksthespots.com/atelier-maitre-albert-paris/ ▾

Spotted: L'Atelier Maître Albert, a fine rotisserie in Paris by the Michelin star chef Guy Savoy!

Atelier Maître Albert - un restaurant du Guide MICHELIN 75005 Paris 05

restaurant.michelin.fr/.../paris/.../atelier-maitre-albert/2a9f7f... ▾ Translate this page Michelin ▾

★★★★★ Rating: 3.7 - 36 reviews - Price range: 26 € à 59 €

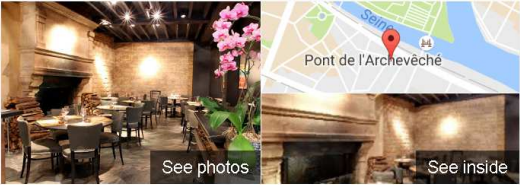
Restaurant Atelier Maitre Albert : menus et prix, avis des internautes, adresse, contact ... Atelier Maître Albert, un restaurant de la sélection MICHELIN.

Le Figaro - L' Atelier de Maître Albert : Paris 75005 - Cuisine Française

scope.lefigaro.fr ▾ Restaurants ▾ Translate this page Le Figaro ▾

★★★☆☆ Rating: 2 - 20 reviews

Annexe de Guy Savoy, L'Atelier de Maître Albert propose à sa clientèle deux salles dessinées par l'architecte Jean-Michel Wilmotte. Une première salle de type ...



Atelier Maître Albert

[Website](#)[Directions](#)

3.6 ★★★★★ 65 Google reviews

French Restaurant

Address: 1 Rue Maître Albert, 75005 Paris, France

Phone: +33 1 56 81 30 01

Reservations: lafourchette.com

Hours: **Closing soon** · 12–2:30PM, 6:30–11PM ▾

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Les Bouquini...
French



Le Procope
French



Le Reminet
French



Benoit Paris
Restaurant



L'Ambrois...
French

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atelier de me albert

atelier maitre albert dress code


rue maitre albert

atelier maitre albert menu



atelier maitre albert tripadvisor


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rue maitre albert apartment




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Atelier Maitre Albert Restaurant In Paris France - Placesinfrance.com

www.placesinfrance.com/atelier_maitre_albert_restaurant.html

The Atelier Maitre Albert restaurant in Paris, is an old fashioned restaurant that has been revamped into a warm and friendly rotisserie with the menu being ...

Critique gastronomique Atelier Maître Albert (Guy Savoy) Paris

www.critique-gastronomique.com/restaurant-atelier-maitre-albert-g... [Translate this page](#)

Sep 10, 2014 - La spécialité de L'Atelier Maitre Albert, enseigne du Ve arrondissement de Paris pilotée par le chef triplement étoilé Guy Savoy, c'est la ...

L'Atelier Maître Albert Restaurant, Paris – Reviews, menus and photos

www.mytable.com/r75117447/en?country=ch

L'Atelier Maitre Albert Restaurant, Paris, France – Read unbiased reviews, view menus and photos, and make free online reservations.

L'Atelier Maître Albert Restaurant Paris Reviews | Gayot

[www.gayot.com/Restaurants/France/Paris/05th arrondissement](http://www.gayot.com/Restaurants/France/Paris/05th%20arrondissement)

★ ★ ★ ★ ☆ Rating: 13/20 - Review by gayot.com

Should you dine at L'Atelier Maitre Albert in Paris? Read expert reviews of all the best French restaurants at GAYOT.com.

Meetings & Events at Atelier Maitre Albert, Paris, France - Cvent

www.cvent.com/.../atelier-maitre-albert/venue-35067c519d174800a0217491b0... [Cvent](#)

Use Cvent to book the Atelier Maitre Albert in Paris, France for your event and get a great rate.

L'Atelier Maître Albert, Paris. Dinner with Guy Savoy - Travelocafe

www.travelocafe.com/2013/11/atelier-maitre-albert-paris-review.html

Located in the 5th arrondissement, just a short walk away from Notre-Dame Cathedral and the left bank of the River Seine, L'Atelier Maître Albert is a modern ...

Atelier Maitre Albert Reviews - TripExpert

www.tripexpert.com/paris/restaurants/atelier-maitre-albert

★ ★ ★ ★ ☆ Rating: 3.7 - 6 reviews

Atelier Maître Albert has a TripExpert Score of 74 based on expert reviews in publications including concierge.com, Gayot, Rough Guide and Zagat. "Maitre ...

Atelier Maître Albert, Rôtisserie à Paris avec L'Internaute

www.linternaute.com/Restaurant/Paris/Rôtisserie [Translate this page](#)

★ ★ ★ ★ ☆ Rating: 3 - 21 reviews - Price range: 30-60€

Retrouvez toutes les infos sur le restaurant Atelier Maître Albert à Paris : L'Atelier Maitre Albert est un... - Tél. 01 56 8...

Restaurant Atelier Maître-Albert in Paris 5, Île-de-France, France ...

fr.gaultmillau.com/restaurant/atelier-maitre-albert [Translate this page](#)

★ ★ ★ ★ ☆ Rating: 14/20 - Review by Gault&Millau

La tradition revue, corrigée et signolée par les équipes de Guy Savoy : ce qui donne un lieu très festif, élégant et bien placé dans le Quartier...

Atelier Maître Albert - Restaurant, 1 Rue Maître Albert 75005 Paris ...

[fr.mappy.com/.../Restaurant à 5e Arrondissement Paris](http://fr.mappy.com/.../Restaurant%20à%205e%20Arrondissement%20Paris) [Translate this page](#)

Découvrez Atelier Maitre Albert (1 Rue Maître Albert, 75005 Paris) avec toutes les photos du quartier, le plan d'accès, les avis et les infos pratiques : horaires, ...

Searches related to atelier maitre albert

atelier maitre albert review

atelier de me albert

atelier maitre albert dress code

rue maitre albert

atelier maitre albert menu

atelier maitre albert tripadvisor

l'atelier maitre albert

rue maitre albert apartment

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Atelier Maitre Albert | BEST WESTERN PREMIER Faubourg 88 4*

www.hotel-faubourg88.com/restaurant-maitre-albert.html ▾

Nov 26, 2015 - Tucked away in the bustling, historical neighborhood of the 5th arrondissement, near Notre-Dame cathedral, is **Atelier Maitre Albert**. Architect ...

Atelier Maître Albert, Emmanuel Monsallier, 1, rue Maître Albert ...

www.tousaurestaurant.com/fr/content/atelier-maitre-albert ▾ [Translate this page](#)

Atelier Maître Albert , 1, rue Maître Albert Paris 05 Paris (75) France. Abonnez-vous a notre newsletter pour faire le plein d'actu. Courriel *. Code for the block : ...

L'Atelier Maître Albert a 12 ans - Guy Savoy, le dîner des amis

www.parismatch.com/.../Guy-Savoy-le-diner-des-amis-... ▾ [Translate this page](#) Paris Match ▾

Apr 15, 2015 - A l'entrée, derrière le bar à huîtres « importées » de L'Huîtrade, Guy Savoy et Laurent Jacquet, directeur de l'excellent restaurant L'Atelier ...

Atelier Maitre Albert Guy Savoy - Paris, France - Hotel, Restaurant ...

[www.facebook.com/Places/Paris, France/Hotel](https://www.facebook.com/Places/Paris/France/Hotel) ▾

Atelier Maitre Albert Guy Savoy, Paris, France. 3 likes · 14 were here. Local Business.

Atelier Maitre Albert | Restaurant, French in Paris reviewed by Stylebible

stylebible.com/city-guide/lifestyle/atelier-maitre-albert ▾

Mar 24, 2015 - I'm not sure who **Maître Albert** is, but Guy Savoy's affordable rotisserie of that name offers some pretty impressive cooking too. The restaurant's ...

Atelier Maitre Albert - 75005 Paris - Location de salle - Paris 75 ...



<https://www.youtube.com/watch?v=p8H7srb1fVI>

Dec 4, 2012 - Uploaded by ABC Salles

Location de salle 75005 Paris, Paris, Ile-de-france Merci d'informer la salle

Atelier Maître Albert que vous l ...

L'Atelier Maître Albert | comme des parisiens

commedesparisiens.com/en/restaurant/atelier-maitre-albert.../atelier-maitre-albert/ ▾

L'Atelier Maître Albert. This is three-star chef Guy Savoy's rotisserie-restaurant for the bold and beautiful, on the Left Bank across from Notre-Dame. The unusual ...

Más de 1000 ideas sobre Atelier Maitre Albert en Pinterest

<https://es.pinterest.com/.../atelier-maitre-albert-9285776556...> - [Translate this page](#) Pinterest ▾

Encuentra y guarda ideas sobre **Atelier Maître Albert** en Pinterest, el catálogo de ideas global.

Atelier Maître Albert - Office de tourisme Paris

www.parisinfo.com/.../Atelier... ▾ [Translate this page](#) Paris Convention and Visitors Bureau ▾

L'Atelier Maître Albert est une annexe de la célèbre maison Guy Savoy. Cette pâtisserie située dans une petite rue du Quartier Latin, à deux pas de la Seine, ...

^[PDF] the "satellites" of the restaurant guy savoy: a common ... - Le Chiberta

www.lechiberta.com/.../dossier_presse_AtelierMaîtreAlbert_en-95e31b38aff62312d3... ▾

1, RUE MAÎTRE ALBERT 75005 PARIS TEL : 01 56 81 30 01. FAX : 01 53 10 83 23 -

MAIL:ateliermaitrealbert@guysavoy.com - www.ateliermaitrealbert.com - ...

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l'atelier maitre albert

rue maitre albert apartment